

Top Issues Which Cause Non Compliance in Background Checks for DCS Contractors/Subcontractors

Most Common
Problems/Issues/Questions/Mistakes found
in the completion of the background check
process for DCS contractors/subcontractors

True or False

- ▶ Once I have returned my contract signature page to DCS, employees/volunteers are ready to be fingerprinted?
 - FALSE
- ▶ As long as fingerprints are completed, it doesn't matter in what method the prints are done or by whom they are captured. They just have to be done.
 - FALSE

True or False

- ▶ To complete a Local Law Enforcement Agency (LEA) check, I must complete an Indiana State Police (ISP) Limited Criminal History Check either online or by sending in the hardcopy to ISP.
 - FALSE
- ▶ To complete a Local Law Enforcement Agency (LEA) check I must complete a check on all my employee and volunteers with the county sheriff in the county my agency is located.
 - FALSE

True or False

- ▶ As a contractor/subcontractor employee/volunteer who has direct contact with children I have always been required to have a fingerprint based check, child protective service history check, sex offender registry check and local law enforcement checks completed and this is not a new requirement.
 - TRUE

True or False

- ▶ The DCS contracting/subcontracting agency does not have direct contact with children at any time nor does anyone have access to any files but the agency still has “covered personnel”
 - TRUE
- ▶ Same DCS contracting/subcontracting agency as above, same job duties, the agency is not required to complete and submit the Exhibit One and attachment of Covered Personnel.
 - FALSE

Common Mistakes

- ▶ Sign and return the contract signature page prior to all background checks being completed and evaluated
- ▶ Misunderstanding of the background check requirements for managers, CEO/Directors and management staff running day to day operations
- ▶ Subcontractors have checks run under primary DCS contracting agency instead of subcontractor.
- ▶ Failure to follow through when fingerprint results are not qualified, a CPS substantiation, local law enforcement arrests or matches of the sex offender registry are confirmed

Common Mistakes

- ▶ Failure to read and understand
 - Background Check Requirement section of the DCS contract.
 - All communications and attachments provided to the agency by Central Office Background Check Unit.
 - DCS policy 13.3, Conducting Background Checks for DCS Contractors and DCS policy 13.4, Evaluating Background Checks for DCS Contractors.
- ▶ Failure of the DCS primary contractor/grantee to inform their subcontractor/grantee of background check requirements and procedures

Department of Child Services (DCS) Contractors/Subcontractors and Required Background Checks

Every contracting/subcontracting agency has
some level of background check requirements
effective 7/1/2011

Contract Language

- ▶ All background check requirements are part of the contract language.
- ▶ The contract is a legal document
- ▶ The *Exhibit One* attachment is included in the contract
- ▶ The new/renewal contract is not to be signed and returned to DCS until all background checks are current (*have occurred within 48 months*) and have been evaluated by contractor/subcontract for all covered personnel

Other Agencies/Individuals Held to the Same Background Check Requirements

- ▶ Any employed subcontractor/grantee receiving DCS funds, either directly or indirectly, is subject to the same background check requirements and procedures as the primary DCS contractor or grantee.
- ▶ Any volunteer subcontractor/grantee, is subject to the same background check requirements and procedures as the primary DCS contractor or grantee.

Waivers or Variations to Background Check Requirements

- ▶ There are no exceptions or variations to any background check requirements or procedures outlined in DCS policy or the DCS contract for any primary DCS contractor/grantee or any subcontractor/grantee.
- ▶ All fingerprints must be captured through the Indiana DCS approved fingerprint vendor and evaluated by DCS COBCU. Fingerprint based status letters must be on DCS letterhead.
 - Prior approval from COBCU will be required if paper print cards become necessary.

So your agency has been offered a contract with DCS–What now?

- Make sure that the DCS Central Office Background Check Unit (COBCU) is aware your agency has been offered a new or renewed contract or has a subcontracting arrangement.
- No one will communicate this to COBCU even if you are in other systems within DCS.
- This step must be completed with each different contract number awarded to your agency.

Contacting and updating COBCU

- ▶ E-mail the below information to background.checkunit@dcs.in.gov
 - Legal name of contract/subcontract agency, if applicable also “doing business as” name
 - If subcontractor, what is the name of agency that has direct contract with DCS.
 - Mailing address of contract/subcontract agency
 - Contact person’s name for agency
 - Contact person’s e-mail address
 - Contact person’s phone number
- ▶ If any of the above information were to change at any time after initial notification, please contact COBCU with the changes via the above indicated e-mail address

Agency Name and Mailing Address

- Provide the full legal name of the agency as it appears on the contract/agreement
 - Is there a different Doing Business As (dba) name?
 - If yes supply both the dba and legal names
 - Indicate which name is legal and which is dba.
- The Mailing address of the agency

Assigning a Contact Person

- Provide the name of one person within the agency as a contact person concerning background checks
 - This person will be the DCS COBCU contact point for all question concerning any type of background check
 - This person will receive all fingerprint based status letters (results) from isprerults@isp.in.gov via e-mail on DCS letterhead
 - This person will be responsible for routing the status letter to appropriate personnel for follow up action, if needed, or filing

Contact Person's Info

- ▶ Provide your agency background check contact person's e-mail address
 - Remember this should not be a general e-mail address that others have access to within the agency as confidential information will be e-mailed
 - If this e-mail address has a SPAM or junk e-mail filter please set the e-mail address to accept e-mail from isprresults@isp.in.gov so fingerprint based status letters are received.
- ▶ Provide your agency background check contact person's phone number and extension, if available.

I have notified COBCU–What now?

- Once the COBCU receives this information we will update our records and add or change any information we have in our databases.
- An e-mail will be sent to the e-mail address provided for the agency's background check contact person within 48 to 72 business hours.
- This e-mail will provide up to date forms, policy, instructions and procedures for completing or updating necessary background checks.

Two Levels of Background Check Requirements

- ▶ Per the contract there are two different levels of background check requirements.
- ▶ A1 level or A2 level
 - Which level a subject must meet is determined by:
 - Job duties or job description,
 - Possible other assignments of the subject
 - In the case of management, an additional factor taken into consideration is the level of checks required by his/her staff or volunteers.

A1 Background Checks

- ▶ An A1 level background check includes the completion and evaluation of four different checks. These checks are:
 - National and State fingerprint based criminal history check
 - Child Protective Services (CPS) History Check
 - A National Sex Offender Registry Check
 - Local Law Enforcement Agency (LEA) Checks

A2 Background Checks

- ▶ An A2 level background check includes the completion and evaluation of two different checks. These checks are:
 - Child Protective Services (CPS) History Check
 - A National Sex Offender Registry Check

Fingerprints– A1 Level Check

- Prints are captured by the State of Indiana approved vendor.
 - Registration and an appointment must be made either by phone or on the registration website. No walk ins are taken
 - Once the prints are captured the prints are sent to the Indiana State Police, which in turn sends to the FBI.
 - The National and State reports are returned to DCS and evaluated. An e-mail will be sent on DCS letterhead with the subject's fingerprint based status.
 - A Qualified or Waiver Granted fingerprint based status letter must be dated within the past 48 months

CPS History–A1 and A2 level checks

- CPS History Check must be completed for every state in which the subject of the check currently lives and/or has lived in the past five years.
 - Indiana checks are completed using “Indiana Request for a Child Protective Service (CPS) History Check, State Form 52802
 - Check DCS Policy 13.3 for information on completing checks outside of Indiana
 - These checks must be dated within the last 48 months and return no substantiations or have a waiver granted by COBCU if substantiation was found

National Sex Offender Registry

Check A1 and A2 level checks

- A National Sex Offender Registry Check completed on the National registry website (see DCS policy 13.3 for the correct website address)
 - Completed for every state the subject of the check currently lives and/or has lived in the past five years
 - This check must be dated within the last 48 months and have no matches.
 - Run and evaluated by the agency, and printed off. Filed in the personnel file

LEA Checks – A1 level checks

- LEA Checks completed on subjects of the check for all law enforcement jurisdictions the subject has lived in the past five years
 - Utilize the Application for Criminal History Background Checks, State Form 53259 to complete unless the jurisdiction has their own form or instructions.
 - Name based check done by Local Law enforcement, i.e. Sheriff or city police department personnel that would respond to any emergency or 911 call for the current and all previous home addresses
 - Checks must be dated within the previous 48 months
 - Check will only return arrest (see DCS policy 13.4 for evaluation of these arrests by the agency)

DCS Contractors and “Covered Personnel”

- ▶ The contract refers to “Covered Personnel” – Who is that exactly?
 - “Covered Personnel” is any person that is required by the contract or DCS policy to have some level or type of a background check.
 - Every contract has at least one person that is a “covered personnel”.
 - For some contracts all directors, managers, employees and/or volunteers will be a “covered personnel”

Executive Staff and Managers are “Covered Personnel”

- Any employee/volunteer/intern or subcontractor including but not limited to:
- Executive Managers, CEO or the manager involved in day to day operations for the contract agency or contract division of the agency.
- This requirement of background check on managers and executive level staff can be found in the contract language.
 - “The checks will be conducted in the same manner as required for licensed residential child caring institutions, with respect to IC 31-27-3-3, subsections (e)(1) and (f)...”

Employees /Volunteers with Direct Contact are “Covered Personnel”

- ▶ Any employee/volunteer/intern or subcontractor including but not limited to:
- ▶ All persons who has/will have:
 - Direct contact with a child on a regular and continuing basis, or
 - Any contact with a child who is alone with only contractor staff in connection with the performance of any service or activities connected to the completion of the DCS contract

Employee/Volunteers with Access to Records are “Covered Personnel”

- ▶ Any employee/volunteer/ intern or subcontractor including but not limited to:
- ▶ All person who has/will have access to a child's records:
 - In electronic format
 - or**
 - In hardcopy format

“As Needed” or “Emergency” Coverage of “Covered Personnel” duties

- ▶ Any employee/volunteer/intern or subcontractor including but not limited to:
- ▶ Any person that would normally not be considered “covered personnel” in the course of his/her own job duties but
 - May be required to fill in on an “as needed” basis or in an emergency for any “covered personnel” staff/volunteer/intern or subcontractor

Who Must Have an A1 Level Check?

- ▶ All persons who has/will have:
 - Direct contact with a child on a regular and continuing basis,
 - Any contact with a child who is alone with only contractor staff in connection with the performance of any service or activities connected to the completion of the DCS contract,
 - Be required to fill in on an “as needed” basis or in an emergency for any A1 level “covered personnel” staff/volunteer/intern or subcontractor
- Executive Managers, CEO or the manager involved in day to day operations who have A1 level subordinates (directly or indirectly)

Who Must Have an A2 Level Check?

- ▶ All persons who has/will have
 - Access to a child's records in electronic format or in hardcopy format
 - Be required to fill in on an “as needed” basis or in an emergency for any A2 level “covered personnel” staff/volunteer/intern or subcontractor
- Executive Managers, CEO or the manager involved in day to day operations who have **only** A2 level subordinates (directly or indirectly)

Additional Covered Personnel Required to have A2 level checks

- Executive Managers, CEO or the manager involved in day to day operations who have no “Covered Personnel” per the contract language.
 - These managers, CEO and management involved in day to day operations are required to complete the A2 level background checks even if no other employee/volunteers/intern or subcontractor is required to have any level of background checks.
 - This person or small group of people may be the only “covered personnel” for the agency contract.

Who Completes Which Forms and Who Evaluations?

- ▶ All covered personnel are to complete the Application for Criminal History Background Check, State Form 53259 and originals filed in the personnel file.
- ▶ Fingerprint registration and appointments are to be completed by the contracting agency and/or covered personnel.
- ▶ The CPS check forms and LEA requests are completed by the contracting agency and covered personnel and sent to the appropriate agency for completion. Upon return to the contractor these results are to be evaluated by the contracting agency
- ▶ National Sex Offender Registry check is to be searched online and printed off by the contracting agency.
- ▶ When the fingerprint based letter is “qualified” and there are no matches for CPS, LEA or Sex Offender Registry, file the results in the personnel file.
- ▶ If checks do not come back clear, consult DCS policy 13.4 and take correct actions.

Exhibit One

- ▶ After all required checks are completed and evaluated per DCS policy 13.4 and necessary follow up actions taken:
 - Print off and complete the *Exhibit One*
 - Do not complete those blanks that do not apply to any covered personnel.
 - Must be done at the beginning of each contract and at each renewal
 - Must be completed annually on the anniversary of the contract effective date.

Copy of *Exhibit One* for agency directly contracted with DCS

EXHIBIT 1 CERTIFICATION OF COMPLETION OF REQUIRED CRIMINAL AND BACKGROUND CHECKS

The Provider, (legal name) _____, hereby certifies that it has performed all of the checks as required pursuant to the criminal and background checks procedure set forth in Section 49 [Criminal and Background Checks] of its professional services contract with the Indiana Department of Child Services (DCS.) (EDS# _____) (the "Contract,") including collection of attestations regarding child abuse and neglect or criminal activity.

A list of the Provider's current Covered Personnel that have received the requisite criminal and background checks referenced herein is attached hereto. The list should be provided on the Covered Personnel Spreadsheet provided by DCS or similar that records all information on the Covered Personnel Spreadsheet for all Covered Personnel. The Provider shall submit this form with an updated list of covered personnel annually upon the anniversary date of the Contract. Reminder: Covered Personnel who join the Provider after the Contract begins may not provide any services for the Provider pursuant to the Contract before the requisite criminal and background checks have been completed unless they are accompanied by other staff who have completed acceptable checks.

The Provider hereby certifies that it has, per Contract requirements complete the below steps (check all that apply to any covered personnel):

- ____ *Verified the identity of all individuals subject to criminal and background checks per DCS child welfare policy 13.3 (previously 2.10);*
- ____ *Completed, signed and filed the Application for Criminal History Background Check Form, state form 53259;*
- ____ *Conducted Child Protection Services (CPS) checks (for Indiana, send DCS an Indiana Request for Child Protection Services History Check form; for other states, see DCS' website on child welfare policies for web link);*
- ____ *Conducted Sex Offender checks (see DCS' website on child welfare policies for web links for national checks);*
- ____ *Conducted Local Law Enforcement checks through law enforcement jurisdictions corresponding to all home addresses;*
- ____ *Registered and completed fingerprinting through the DCS approved fingerprinting vendor and assured that a fingerprint-based status letter is received on DCS letterhead via e-mail for each Covered Personnel; and*
- ____ *Reviewed the results of criminal and civil Background Checks and taken appropriate action per DCS child welfare policy 13.4 (previously 2.11).*

_____ Signature of Provider	_____ Date
_____ Typed or Printed Name Signed Above	_____ Title of Signer
_____ E-mail Address of Signer	_____ Phone Number

Send by U.S Postal Service to: DCS, Central Office Background Check Unit
Rm. E 306, MS 08
302 W. Washington St.
Indianapolis, IN 46204-2739

Copy of *Exhibit One* for Subcontracting Agency

EXHIBIT 1 CERTIFICATION OF COMPLETION OF REQUIRED CRIMINAL AND BACKGROUND CHECKS

The Provider, (legal name) _____, hereby certifies that it has performed all of the checks as required pursuant to the criminal and background checks procedure set forth in Section 49 [Criminal and Background Checks] of its professional services contract with _____ including collection of attestations regarding child abuse and neglect or criminal activity.

A list of the Provider's current Covered Personnel that have received the requisite criminal and background checks referenced herein is attached hereto. The list should be provided on the Covered Personnel Spreadsheet provided by DCS or similar that records all information on the Covered Personnel Spreadsheet for all Covered Personnel. The Provider shall submit this form with an updated list of covered personnel annually upon the anniversary date of the Contract. **Reminder:** Covered Personnel who join the Provider after the Contract begins may not provide any services for the Provider pursuant to the Contract before the requisite criminal and background checks have been completed unless they are accompanied by other staff who have completed acceptable checks.

The Provider hereby certifies that it has, per Contract requirements complete the below steps (check all that apply to any covered personnel):

- _____ *Verified the identity* of all individuals subject to criminal and background checks per DCS child welfare policy 13.3 (previously 2.10);
- _____ *Completed, signed and filed* the Application for Criminal History Background Check Form, state form 53259;
- _____ *Conducted Child Protection Services (CPS) checks* (for Indiana, send DCS an Indiana Request for Child Protection Services History Check form; for other states, see DCS' website on child welfare policies for web link);
- _____ *Conducted Sex Offender checks* (see DCS' website on child welfare policies for web links for national checks);
- _____ *Conducted Local Law Enforcement checks* through law enforcement jurisdictions corresponding to all home addresses;
- _____ *Registered and completed fingerprinting* through the DCS approved fingerprinting vendor and *assured that a fingerprint-based status letter is received on DCS letterhead* via e-mail for each Covered Personnel; and
- _____ *Reviewed the results* of criminal and civil Background Checks and taken appropriate action per DCS child welfare policy 13.4 (previously 2.11).

_____ Signature of Provider	_____ Date
_____ Typed or Printed Name Signed Above	_____ Title of Signer
_____ E-mail Address of Signer	_____ Phone Number

Return this completed form along with a completed Covered Personnel Spreadsheet to the agency in which you are working as a sub provider.

Attachment to *Exhibit One* the *Excel Spreadsheet Tool*

- ▶ Complete the *Excel Worksheet Tool* by listing all information requested on each of the covered personnel
- ▶ Print off the completed spreadsheet
- ▶ Attach to the *Exhibit One*.
- ▶ Mail the *Exhibit One* and attached *excel spreadsheet* of all covered personnel by US Postal Service to address printed on the *Exhibit One*
- ▶ Deadline of the completion and submission of the *Exhibit One* and attached *excel tool* is 30 days after the agency signs the contract or 30 days after the effective date of the contract, whichever is the earlier

Excel Spreadsheet Tool for documenting Covered Personnel

	A	B	C	D	E	F	G	H	I
1	COVERED PERSONNEL SPREADSHEET								
2	Enter Agency Legal Name Below:			Enter Contract Number Below		Date Below	Name of Preparer Below		
3									
4	Covered Personnel's name appears on most recent Fingerprint Based Status Letter issued to contractor via e-mail.					Required for all Covered Personnel.	Required for all Covered Personnel.	Required for all A1 Covered Personnel	Required for all A1 Covered Personnel
5	Covered Personnel's Last Name	Covered Personnel's First Name	Date of Birth of Covered Personnel	Last four numbers of SS# of Covered Personnel	Job Title/Duties of Covered Personnel. Assure that CEO is listed on spreadsheet	Child Protection Service Checks for all states lived in last five years?	National Sex Offender Registry Check for all States lived in last five years?	Fingerprint-Based National and State Check completed and evaluated through DCS? Yes or No	Local Law Enforcement Check for all home address(es) lived in last five years? Yes or No
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Subcontractor/Grantee-Exhibit One and Attachment

- ▶ All Subcontractors/Grantees are required to complete the *Exhibit One* and attach the *excel spreadsheet tool* on all subcontractor/grantee covered personnel.
 - The *Exhibit One* and attachment is to be submitted to the primary DCS contractor/grantee for confirmation that all background checks are completed.
 - It is the responsibility of the primary DCS contractor/grantee to assure that their subcontractor/grantee is complying with DCS policy and the Contract.

Additional Information

- ▶ DCS COBCU can be contacted by e-mail at background.checkunit@dcs.in.gov
- ▶ DCS Policy 13.3 and 13.4 are available on the DCS website <http://www.in.gov/dcs/2526.htm>
 - ▶ Forms and additional information for completion of background checks can be located on the DCS website <http://www.in.gov/dcs/2363.htm>